

ENVIRONMENTAL DECISION [Decision on environmental conditions]

Pursuant to Article 71(2)(2), Article 75(1)(4), Article 84 and Article 85(1) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (Polish Journal of Laws 2008, item 2081, as amended; hereinafter: EIA Act), and pursuant to § 3(1)(72) of Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (Polish Journal of Laws 2010, item 71), in conjunction with Article 104 and Article 130(1) of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws 2017, item 1257, as amended), having examined the application dated 29 November 2018 (received by this Office on 30 November 2018), filed by Ms Krystyna Araszkievicz acting on behalf of Sweco Consulting Sp. z o.o., ul. I. Łyskowskiego 16, 71-641 Szczecin, for issuing the environmental permit and consulting the Regional Director for Environmental Protection in Gorzów Wielkopolski, the State District Sanitary Inspector in Słubice and the Minister of Maritime Economy and Inland Waterways,

I hereby decide

that it is not required to carry out the environmental impact assessment for the planned project which may materially affect the environment, and which involves the **construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation at km 548.4 of Oder river**, and I hereby set the environmental requirements for the project:

1. the works that interfere in the river channel should be carried out only within the planned icebreaker mooring locations;
2. the method of managing dredge spoil should be determined in line with separate regulations governing waste management, upon obtaining the laboratory test results for such spoil;
3. if any harmful substance is released to the environment, in particular due to equipment failure implying the leak of fuel, lubricant or oil, it is required to apply sorbents for precipitating such contaminants, appropriate for the type of substance;
4. to ensure adequate protection of water against contamination, the equipment to be used during construction should be fully operational and should meet the requirements for its admission for operation;
5. any vessels remaining near the project area should be maintained in a technical condition ensuring adequate protection of water against contamination with harmful substances, in particular oil derivatives.

JUSTIFICATION

By the application dated 29 November 2018 (received by this Office on 30 November 2018), Ms Krystyna Araszkievicz, acting on behalf of Sweco Consulting Sp. z o.o., ul. I. Łyskowskiego 16, 71-641 Szczecin, applied to the Mayor of Cybinka for environmental permit for the project involving 'Construction of

mooring facilities at lower and the border Oder river and new waterway signage at km 548.4 of The Oder river’.

Pursuant to § 3(1)(52) of Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (Polish Journal of Laws 2016, item 71), the project potentially qualifies as a project which may materially affect the environment.

Pursuant to Article 63 of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws 2018, item 2081, as amended), the existence or absence of the obligation to conduct an environmental impact assessment for a project which may materially affect the environment is established, by way of an order, by the authority competent to issue the environmental permit.

Pursuant to Article 75(1)(4) of the EIA Act, in this case the authority competent to issue the environmental permit is the head of commune or town mayor. For this project, due to its classification and location, the authority competent to issue the environmental permit is the Mayor of Cybinka.

Since there are more than 20 parties to the proceedings, pursuant to Article 74(3) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws 2017, item 1405), Article 49 of the Code of Administrative Proceedings (consolidated text: Polish Journal of Laws 2017, item 1257, as amended) applies – by the announcement of 13 December 2018, ref.: RGN-IV.6220.05.2018, the parties were notified that the administrative procedure in this case had been initiated.

Pursuant to Article 49(2) of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws 2017, item 1257, as amended), a notification shall be deemed delivered upon the expiry of 14 days from the date of publishing the announcement.

Pursuant to Article 64(1)(1) and (2) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws 2018, item 2081, as amended), the Mayor of Cybinka, by the letter dated 13 December 2018, ref.: RGN-IV.6220.05.2018, requested the Regional Director for Environmental Protection in Gorzów Wielkopolski, the State District Sanitary Inspector in Słubice and the State Water Holding Polish Waters (PGW Wody Polskie, Catchment Board in Zielona Góra) to issue a decision on whether it is required to carry out an environmental impact assessment for the project, and if such requirement is found, then to determine the scope of the environmental impact report.

PGW Wody Polskie, Catchment Board in Zielona Góra, by its letter No. WR.ZZŚ.7.052.84.2018.MLW dated 21 December 2018, forwarded the request to the Director of Regional Water Management Board (RZGW) in Wrocław, as due to the repeal of paragraph 5 in Article 397 of the Water Law of 20 July 2017, the RZGW Director is the only authority competent to issue water permits (Article 397(3)(b) of the said Law). By the letter dated 5 February 2019, ref.: WR.RZŚ.435.585.2018.NR, the Director of RZGW in Wrocław forwarded the request to the Minister of Maritime Economy and Inland Waterways, stating that in accordance with Article 397(2) of the Water Law of 20 July 2017 (Polish Journal of Laws 2018, item 2268), the Minister of maritime Economy and Inland Waterways is competent in this case.

By the letter dated 27 December 2018, ref.: WZŚ.4220.340.2018.PT, the Regional Director for Environmental Protection in Gorzów Wielkopolski, having examined the relevant documentation, concluded that the project does not require an environmental impact assessment.

In accordance with § 3(1)(63)(b) of Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (consolidated text: Polish Journal of Laws 2016, item 71), the project is classified as a project which may materially affect the environment, for which an environmental impact assessment may be required under Article 63(1) of the EIA Act, and, consequently, it

constitutes the planned project referred to in Article 59(1)(2) of the EIA Act.

For projects which may materially affect the environment for which the environmental impact assessment may be required under Article 63(1) of the EIA Act, the authority competent to issue an opinion, in accordance with Article 64(1)(1) of the EIA Act, is the Regional Director for Environmental Protection.

The area of the project is not covered by a local spatial management plan.

Considering the conditions arising where a project is qualified for an environmental impact assessment, laid down in Article 63 of the EIA Act, and having analysed the application for issuing the environmental permit for the planned project and the project information sheet (PIS), it has been established that the project is not located on a wetland or another area with a high groundwater table, including riparian sites or river mouths, coastal areas and in marine environment, mountain or forest areas, protected areas, including protection zones of water intakes and inland water protection areas, areas where environment quality standards have been or are likely to be exceeded, areas with a landscape of historic, cultural or archaeological importance, areas with a high population density, areas adjacent to lakes, health resorts and health-resort protection areas.

The project covers a public benefit undertaking. The water equipment used for waterway maintenance and flood protection meets the public benefit criterion referred to in Article 6(1) and (4) of the Real Property Management Act of 21 August 1997 (consolidated text: Polish Journal of Laws 2018, item 2204). The previously mentioned mooring facilities will only be used for active anti-ice protection and are to be built as part of the Odra-Vistula Flood Management Project (POPDOW).

The project area is not an environmentally sensitive location that is a wetland with a high permanent groundwater table, hatching area, river mouth or lakeside area, and the technology of works ensures the protection of water against contamination. The works will not include tree clearing, and the mooring area will not be lit. Direct and indirect impact on zoocoenoses and phytocoenoses in the project area and its surroundings will mainly exist during construction, changing for a short time the existing ecosystem conditions and creating new living conditions. The change will be local, mostly reversible and with no significant impact on the neighbourhood.

The investor has presented the planned environmental protection measures, including those which are to minimise the project impact on the nature, which include, without limitation, the following measures:

- the works interfering in the Oder river channel will be carried out beyond the spawning and spawn incubation season, which lasts from 1 March to 30 June; the works that interfere in the river channel will be carried out only within the planned icebreaker mooring locations;
- the works conducted to disturb the shore will be carried out between September and April, so during the lowest activity of reptiles and amphibians;
- due to the hatching of protected species near the project location, the works will be carried out in the non-breeding season, that is from October to March;
- if any rush is to be removed, this should be done prior to the breeding season;
- if any works are performed from the beginning of May till the middle of August (which is the animal reproduction season), the noise generated by mechanical equipment will be minimised by carrying out the works during the day only.

The planned work technology is already in use, and the engineering is standard and already applied. The impacts caused by operation of the project are recognised and known. The equipment to be used include a lift, vibrating hammer, electric welding machine, power generator and a floating craft. The works will be carried out from the waterside and will take around three months. No site back-up facilities are planned for the project. The planned dolphins will be located entirely in water, between the heads of two groins at the right shore of the Oder, approx. 60 m from the shore.

Works similar in terms of scale and generated impacts were carried out on the Oder river during the construction of landing stages, for example those in Siedlisko or Bobrowniki. The stages were built, and their construction and operation was not subject to any proceedings for environmental damage or a risk of environmental damage (understood as damage to protected species and natural habitats).

Given the foregoing, while identifying the impacts of the project, it was considered that it is located:

- in Natura 2000 areas 'Krosno Oder Valley' PLH080028 (hereinafter: KDO) and 'Middle Oder Valley' PLB080004 (hereinafter: DSO);
- Krzesiny Landscape Park (hereinafter: KPK);
- outside the identified protection zones and sanctuaries of protected species and protected habitats; on a navigable river, near a levee;
- in the area of a river developed by human due to the construction of groins and shoreline armoring with riprap in inter-groin bays, whose channel processes are partly shaped by the said activities.

Krzesiny Landscape Park was established by Resolution No. XXIX/453/17 of Lubuskie Province Assembly dated 10 April 2017, on Krzesiny Landscape Park (Official Journal of Lubuskie Province of 20 April 2017, item 1028). In accordance with the Nature Conservation Act of 16 April 2004 (Polish Journal of Laws 2018, item 1614) [hereinafter: NCA], the protection covers environmental, historical and cultural values and landscape qualities, and is aimed at preserving and promote those values in sustainable development conditions. The aforesaid resolution introduced a protection regime having the form of bans, and specified the objectives of the mentioned form of environmental protection. Under Article 17(2)(4) of the NCA, the bans existing in the landscape park do not apply to public benefit projects as defined by Article 2(5) of the Spatial Planning and Development Act of 27 March 2003, hereinafter: 'public benefit project'. Since this is a public benefit project according to that definition, it is not subject to the bans introduced for that landscape park. Therefore, the analysis only covers the project impact on the above-mentioned objectives of that form of environmental protection.

The project assumes the construction and operation of a mooring area. The area of the planned activities is not a component of a specific type of ecological systems and landscape, defined here as a unit of a supra-ecosystem organisation of nature, which, due to the nature and location of the project, could adversely affect the protection of the KPK, its historic and cultural values and landscape qualities. The planned construction of mooring facilities in the aforesaid location will cause no transformation or loss of the most valuable and best preserved semi-natural phytocoenoses or natural or semi-natural biocoenoses in the outlet section of the Nysa Łużycka River or in the Oder Postglacial Valley, woods located in farmlands or near roads and water bodies (including riparian and alder forests), flood meadows and in particular the Krzesiński-Bytomski Polder and oxbows, as well as the colony of white stork in Kłopot.

As regards the cultural and landscape qualities, it should be emphasized that the project will not change the diversity of landscapes and scenic values of KPK, in particular the landscape at the Oder river side, including its oxbows and depressions, the outlet section of the Nysa Łużycka and the Łomianka river valleys, and the mid-forest postglacial lakes, historic buildings or the preservation of traditional model of agricultural management.

The dolphins and the jetty, being new elements, will be visible in the landscape, but will not be tall structures that would form dominant components. In addition, the ports and landing stages are facilities characteristic to a navigable river, so the structure will cause no disharmonic changes in the surrounding landscape.

It has been found that no part of the project is directly related to and/or necessary to pursue the protection objectives for the said Natura 2000 areas.

The Natura 2000 area 'Middle Oder Valley' (PLB080004) has a protective action plan established by order of the Regional Director for Environmental Protection in Gorzów Wielkopolski and the Regional Director for Environmental Protection in Wrocław, dated 14 July 2017 (Official Journal of Lubuskie Province 2017, item 1642). The area of the planned mooring line, covering only a small area of the river between the groins, is not a place important to nesting or passing-by birds, middle spotted woodpecker or white stork, so also to the specimens of birds under protection by the said Natura 2000 area. The construction of the facility does not entail any change in the areas it will occupy; currently icebreakers may moor in the project site, and the local natural habitats and feeding grounds are also widely represented in the neighbouring areas. In addition, the site includes no special activities of active protection related with the maintenance or modification of management methods. The protective action plan also does not identify any existing or potential threats to protected species of birds and their habitats, which may be caused by the construction or operation of Biała Góra mooring site at km 548.4 of the Oder river.

The Natura 2000 area 'Krosno Oder River Valley' (PLHO80028) neither has a protective action plan nor a protection plan. The principal adverse impacts (threats and pressures) on the area identified in the SDF may result from: forest and plantation management and the use of forests and plantations; removal of dead and dying trees; adjusting (rectifying) river channels; modifying water bodies; changing the methods of cultivation, hunting for and acquiring wild (land) animals; contamination of surface water. The planned project does not belong to any of the above-mentioned categories of threats. The Oder is a navigable river, and the new infrastructure and local dredging of the channel bed will be used to improve the efficacy of rescue operations (ice breaking), and cause no change in the water conditions in the channel or valley of the river. Despite previous transformations of the Oder river channel (construction of groins), maintenance works (milling) and water transport, the value of the natural habitats existing at the river was high, and the previously mentioned Natura 2000 areas were established. Near the work site, there were found specimens of red kite and black kite, which are species protected by the Natura 2000 area 'DSO' and which did not nest but preyed or rested in the observation areas that is at the project site and within its buffer zone of 300 m. The start and execution of the project does not require intentional scarring of animals. During the project, the impact will involve the presence of people and machinery and the execution of works. This unintentional impact will be

short in time, limited to the construction period and locally restricted. It will depend on a random, unpredictable and unlikely presence of protected species near the project. We may assume that this, even if accumulated with the field works or water traffic, will not be anything new for the animals, which would scare them off at a scale causing a threat to protected species at the project site and in the whole Natura 2000 area.

The construction and operation of the mooring facilities (dolphins, piled steel jetty and stairs) will not cause a permanent change in the management and use of the space, which implies preservation of the condition of development existing when the Natura 2000 area was established. The project also does not introduce any impact important to the protected natural habitats or other animal species, in particular fish. In the main channel of the Oder river, these species are common (asp, spined loach) or do not exist whatsoever (weatherfish). The site of the conditionally protected European river lamprey is located near the southern boundary of its reach in Poland, and the works in the Oder river channel are to be performed beyond the aforesaid spawning season, which also applies to the European river lamprey. During the assembly of dolphins, the interference in river bed structure will only be local, to cover a 90 m section, outside the inter-groyne areas and near the main current, and [will] not [affect] the flow conditions or the quality of water in the Oder river.

The scope of using the environment and the scope of impacts, as presented by the investor, do not require (for the habitats of animals, including birds, and for protected natural habitats) reducing the area of the habitats or deteriorating their structures, or removing or reducing the area of such habitats.

The project does not require and will not cause a change in the population of local animals or any of the protected species, especially the population existing in the entire Natura 2000 area. There will be no change in their living space, which could eliminate the areas for shelters, preying, mating or reproduction.

The project to be carried out in the Natura 2000 area:

- will not affect any crucial processes or relations shaping the local structure;
- will not alter the matched pairs or groups of species or the fragmentation of natural habitats;
- will not disturb any ecosystem relations;
- will not intensify any threat to the maintenance of adequate conservation status of natural habitats or species and their habitats;
- will not cause any migration barrier.

To summarise, it has been found that the impact caused by the project location and scale will be local and irrelevant in terms of the objective of protection of Natura 2000 areas.

The project is not located within the planned ecological corridors that were created based on distribution of selected bio-indicators to maintain the continuity of environmentally valuable areas and biological diversity at genetic and ecosystem levels, and their migration routes. The closest route, called 'Ziemia Lubuska Środek', is situated 2.8 km from the project (source: <http://geoserwis.gdos.gov.pl>). Considering the above-specified location of works and the impacts of the project during execution and operation stages, we may conclude that the construction of the icebreaker mooring site will not reduce the local and supra-local migration potential in the Oder river valley, and will certainly not create a migration barrier for animals.

The decision to waive the environmental impact assessment was also preceded by a reference to aggregated environmental protection circumstances specified in Article 63(1) of the EIA Act, that is the type, characteristics and location of the project, including a possible threat to environmental protection, and the type and scale of possible impact with reference to the natural conditions of the closest large-scale forms of environmental protection.

Referring the project to the possible activities aggregated with the modernisation and construction of roads and river walls, which will be built upstream of the project site, at a section of the free-flowing Oder river, we may anticipate that these structures will not generate any substances or energy that would induce a modification of environmental processes or the exchange of energy and matter at the extremes of the Oder and its valley. They will be point (at most local) impacts, and the related works will be coordinated.

The results of environmental survey, illustrated and described in the PIS, indicate that the area of works or its immediate surroundings include no sites of protected species of flora, amphibians or insects. In the near future, up to 250 m from the work site, there lived specimens of birds which were certainly or probably nesting birds that is bluethroat, red-backed shrike, European stonechat, European stonechat, grasshopper warbler and great reed warbler, as well as reproduction sites of common toad and a complex of green frogs. Environmental nuisance caused by the construction will be short in time and gradually disappearing, and the environmental transformation scale will be local. The nearby surroundings of the project are home to diverse and adequate habitats for the animals presently living at the project site, which may be temporary or target habitats during the works, and at the operation stage the animals will certainly return to their previous sites.

Considering the results and conclusions of the project impact on the objects protected in the Natura 2000 area, the aforementioned nature of impact, the insignificant natural assets of the affected area, the universality of local animals, and the above-mentioned solutions to protect the environment, presented by the investor, at the present stage we have found no representatives of protected species or protected habitats, to which the project could pose a threat, and which would make it necessary to assess such a threat and to formulate non-standard requirements not provided for by environmental regulations. Further, there is no need to formulate requirements for the conservation of species of animals, plants or fungi, which would go beyond the relevant legal solutions. We have found no sensitive sanctuaries or sites of other wild animals which would be related by ecosystem to the objects protected in the Natura 2000 area, and which would require any special requirements, not stated in environmental regulations that would need to be formulated in the environmental impact assessment. The project site is not a local (and all the more regional) sanctuary of fauna or a unique place of its existence, beyond which individual specimens or groups of specimens could not live, and whose transformation or functional alteration (which is not planned) would adversely affect the protection and condition of nature in the area.

The construction of the icebreaker mooring facility will cause impacts of such a scale that will not disturb the environmental balance, which do not require an environmental impact assessment or taking untypical preventive or mitigating actions. The project scale also does not require compensation measures.

We have found no circumstances that would require the assessment, or any uncertainty as to the scope of impact on nature protection. The environmental protection solutions will meet the nature protection criteria, both at the project site and within its reach.

According to the water management plan in the Oder catchment area, the project site is located in the area of groundwater body (JCWPd) GW600058 and in the area of surface water body (JCWP) called 'The Oder river from the Nysa Łużycka to the Warta', code RW60002117999.

The scope of impact of the planned project will be diverse, and will be mostly temporary, depending on the construction works. Given the project nature, the most serious environmental impact will occur during execution. The impact will be mostly related to the emission of noise and air pollution generated by the machinery and equipment required to prepare the site and settle the dolphins. However, due to a relatively short duration of works, this impact will not be relevant to the environment.

The operation stage will not entail any significant impacts. Once the project is completed, the ice-breaking operations will generate contamination due to fuel combustion in the icebreakers' engines, and noise due to the operation of icebreakers' engines and breaking the ice.

The project, both during execution and operation, will not contribute to climatic changes in the area.

The planned project is not classified as a plant posing a risk of major industrial accident within the meaning of Article 248 of the Environmental Protection Law of 27 April 2001 (consolidated text: Polish Journal of Laws 2018, item 799, as amended), nor is it entered into the list of facilities referred to in Article 135(1) of the said Law, for which limited use areas may be established. There are also no grounds to indicate a risk of a major natural or construction disaster. Although the planned project will be carried out in an immediate vicinity of a border between the Republic of Poland and the Federal Republic of Germany, given its scope and scale,

there is no risk of a cross-border impact on the environment.

Having read the application and the project information sheet, and having analysed the direct and indirect effects of the activities involved by the project and the conditions of project execution according to the extended application, considering the conditions stipulated in Article 63(1) of the EIA Act as well as the scale and nature of the project, there is no risk that the project will have a significant adverse effect on the environment.

By the letter of 27 December 2018, ref.: NZ 772-6-27/18, the State District Sanitary Inspector in Słubice, having examined the relevant documentation, has stated that he does not request the environmental impact assessment for the project.

According to the application, filed by the investor's attorney, for issuing the environmental permit for the project, pursuant to § 3 section 2 in conjunction with section 1 item 62 of Regulation of the Council of Ministers of 9 November 2019 on projects which may materially affect the environment (consolidated text: Polish Journal of Laws 2016, item 71), the project qualifies as a project which may materially affect the environment.

The project information sheet enclosed with the application was prepared in November 2018 by the investor, that is the State Water Holding Polish Waters, Regional Water Management Board in Szczecin. The document concerns the construction of mooring facilities at the lower and border Oder river and new waterway signage at km 548.4 of The Oder river, being a part of the Flood Protection Project at the Oder and the Vistula Catchment Areas, which is to allow safe and effective ice-breaking.

The 'Biała Góra' mooring facility at 548.35 to 548.65 km of the Oder river, situated in Cybinka commune, downstream of Rąpice village, is one of eight facilities planned as part of Task No. 1B.3/2 titled 'Construction of mooring facilities at the lower and border Oder river and new waterway signage'.

The plot number 523/5, precinct 0008 Rąpice, which is intended for the project, is not covered by a local spatial management plan. The project is to be located near the right-bank levee, whose crest is a foundation for a road made of concrete road slabs. Although the road is not linked with the shoreline, even via earth roads existing on the terrace, it provides a temporary connection with the mooring facility. The plot is situated in Natura 2000 areas called 'Krosno Oder Valley' (PLH080028) and 'Middle Oder Valley' (PLB080004) of the basin of Surface Water Body of the Oder river, from the Nysa Łużycka to the Warta, code PLRW60002117999, and in the Ground Water Body code PLGW600058. Despite being located in an immediate vicinity of the border with the Federal Republic of Germany, the project should not affect the environment outside Poland.

The construction of the mooring facility will involve building dolphins (mooring piles) parallel to the river, approx. 60 m from the bank boundary, at a 90 m section between the heads of two groins (on the right bank of the Oder), which will allow the mooring of icebreakers and vessels admitted for emergency mooring (that is a pushed convoy or a motor barge). The project assumes connecting the mooring line to the bank through a jetty, but the construction is to be carried out from water, and no site back-up facilities are foreseen. The investor also plans dredging works down to approx. 1,8 m, if the construction works reveal that the river bed must be deepened to ensure mooring safety.

The project assumes a construction by installing steel prefabricated pipes to be rammed into ground directly at a specified location using a vibrating hammer, so it is possible to create in the pipes a so-called 'ground plug' (which protects the pile against removal). The pipe sections projecting over the ground will be additionally filled with sand, protected by flat-sheet heads and finished with bonds. The planned jetty will also be made of steel and include protective railings, and will be founded on separate supporting piles, and the 'exit to the bank' will be specified during construction (concrete or steel steps are planned).

The construction works will be carried out from water, so the sanitary facilities will be located on the vessels used for the works. Also the vessels circulating on inland water, which are used on the Oder river and have a permit for emergency mooring, are provided with appropriate sanitary facilities. However, they should

be regularly monitored to minimise the risk of water contamination, both by wastewater and oil derivatives.

The investor assumes that the planned mooring facility will bear the signs used at inland waterways.

Considering the hygiene and health aspects and the requirements stated in Article 63(1) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws No. 2018.2081), in particular:

1. the type and nature of the project,
2. its location, focusing on the risk to the environment, especially given the existing use of the land,
3. the type and scale of possible impact on human health referred to the conditions defined in points 1 and 2,

it has been concluded that the project does not require an environmental impact assessment.

By the letter dated 3 April 2019, ref.: DOK.DOK2.9750.7.2.2019.SL, the Minister of Marine Economy and Inland Waterways, having examined the relevant documentation, has stated that the project titled 'The construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation at km 548.4 of The Oder river' does not require an environmental impact assessment, and indicated that the environmental permit must contain the following requirements:

- the works that interfere in the river channel should be carried out only within the planned icebreaker mooring locations;
- the method of managing dredge spoil should be determined in line with separate regulations governing waste management, upon obtaining the laboratory test results for such spoil;
- if any harmful substance is released to the environment, in particular due to equipment failure implying the leak of fuel, lubricant or oil, it is required to apply sorbents for precipitating such contaminants, appropriate for the type of substance;
- to ensure adequate protection of water against contamination, the equipment to be used during construction should be fully operational and should meet the requirements for its admission for operation;
- any vessels remaining near the project area should be maintained in a technical condition ensuring adequate protection against contamination with harmful substances, in particular oil derivatives.

The letter of 5 February 2019 (ref.: WR.RZŚ.435.585.2018.NR), sent by the State Water Holding Polish Waters, Regional Water Management Board in Wrocław, to the Minister of Maritime Economy and Inland Waterways, was accompanied by the letter of the Mayor of Cybinka dated 13 December 2018 (ref.: RGN-IV.6220.05.2018) on whether it is required to issue an environmental impact assessment for the project titled 'The construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation at km 548.4 of the Oder river carried out as part of the Odra-Vistula Flood Management Project'.

By the letter of 22 February 2019 (ref.: DOK.DOK2.9750.7.1.2019.SL), the Minister of Maritime Economy and Inland Waterways requested the Mayor of Cybinka to supplement the project information sheet (PIS), *inter alia*, as follows:

- to provide detailed characteristics of the surface water bodies where the project will be carried out;
- to specify the data on the condition of surface and ground water bodies, which were a basis to assess the project impact on the potential to achieve the environmental objectives referred to in Articles 56, 57, 59 and 61 of the Water Law of 20 July 2017 (Polish Journal of Laws 2018, item 2268, as amended); hereinafter: 'Water Law';
- to present an assessment of the project impact on the potential to achieve the environmental objectives for protected areas, as referred to in Article 16(32) of the Water Law;
- to specify the planned period of works;
- to define the cumulative impacts according to Article 62a(1)(11) of the EIA Act.

By the letter of 15 March 2019 (ref.: RGN-IV.6220.05.2018), the Mayor of Cybinka provided us with the supplemented PIS prepared by the Investor. Pursuant to the Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (Polish Journal of Laws 2016, item

71), the planned construction of mooring facilities for icebreakers is a project which may adversely affect the environment.

The project is to be located in Cybinka commune (Słubicki district, Lubuskie province), downstream of Rapice. It covers a construction of mooring facilities at km 548.4 of the Oder river. The project area that is the plot No. 523/5 precinct 0008 Rapice, is not covered by a local spatial management plan.

The project is carried out as part of the task No. 1B.3/2 titled 'The construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation', which covers a construction of mooring facilities at the section of the Oder river from the mouth of the Nysa Łużycka to Szczecin, and installation of new waterway signs. The task is carried out as part of the Odra-Vistula Flood Management Project (POPDOW), and aims at allowing safe and effective ice-breaking.

The task No. 1B.3/2 is included in the Masterplan for the Oder catchment area as a project which does not have an adverse impact on a good water condition or does not impair that condition (ID: 3_393_O). Neither task No. 1B.3/2 nor the project concerned by the application were covered by the current water management plan for the Oder catchment area as projects that pose a risk to achieving the environmental objectives.

The mooring facility will be built approx. 60 m from the right bank of the Oder, between the heads of two groins. The designed length of mooring line is around 90 m. The dolphins will be spaced at 10 to 30 m. The pile diameter and steel grade will be chosen at the stage of building permit design. The piles will be made of prefabricated pipes adjusted to the designed length. Ready-made prefabricated pipes will be inserted into vibrating hammer jaws with a lift. Once the jaws clamp, the pipe will be positioned centrally in the location of the pile.

The projects also assumes the construction of 'Wema' steel-grid jetty erected on a steel supporting structure made of sections, which will connect the mooring line with the bank.

In addition, the Investor assumes possible dredging works in order to provide an adequate depth for icebreakers. The works should be performed in reference to medium water level necessary to maintain transport parameters of 1.8 m, or to the river channel elevation. According to the Technical Concept Plan, the medium-low water level (MLW) in the project location is 28.54 m a.s.l., and the current bed elevation is 25.57 to 27.78 m a.s.l. According to the information presented in the PIS, currently there are designed works carried out, and at this stage it is impossible to specify the quantity of material to be excavated.

The project location indicated in the PIS was chosen, as it is close to the existing embankment road, which makes it possible to provide a temporary connection with the mooring facility.

The project will be executed within one surface water body (JCWP) and one ground water body (JCWPd):

- PLRW60002117999 The Oder river from the Nysa Łużycka to the Warta – a monitored, heavily modified water body with a poor condition, being at risk of non-achieving the environmental objectives. For the JCWP, there is a deadline extension introduced until 2027, according to Article 4(4) of Water Framework Directive, due to the lack of technical possibilities. The environmental objective for that part of water is to achieve a good ecological potential, the possibility of migration of aquatic life at the section of the important watercourse (the Oder river within the JCWP), and a good chemical condition. This part of water body is not intended for water intake for the purposes of providing water for human consumption, nor is it intended for leisure purposes, including swimming. The JCWP is classified as an area sensitive to eutrophication caused by municipal contamination. The water body is also an area of protected habitats or species, where the maintenance or improvement of water condition is an important protection factor.
- PLGW600058 – a monitored JCWPd characterised by a good chemical condition and a good quantitative status, which is not at the risk of non-achieving the environmental objectives. The environmental objective for that part of water body is to maintain a good chemical condition and a good quantitative status. This JCWPd is intended for water intake for the purposes of providing water for human consumption.

The potential impacts implied by the construction works to be executed in the area of the JCWP will

be minor and will not permanently deteriorate the biological, physico-chemical or hydro-morphological elements. As regards the JCWPd, it has been concluded that neither the execution nor the operation of the project will cause any inflow of contaminants into ground water, so it will not deteriorate its condition. The report of the project impact on the likelihood to achieve environmental objectives, as presented in the documentation, was conducted by the Investor with due regard to currently available monitoring information regarding the condition of water (data for the JCWP from 2017, provided by the Provincial Inspectorate for Environmental Protection in Zielona Góra for the JCWP; data for the JCWPd from 2016, provided by the Polish Geological Institute – National Research Institute).

Given the scope and scale of the project, it will not adversely affect the possibility to achieve the environmental objectives set in the applicable water management plan in the Oder catchment area for the surface and ground water bodies. The impacts implied by the project execution will mainly occur at the construction stage, and will be short and temporary. They will particularly entail a temporary impairment of the physical condition of water due to delivery of fine fractions caused by re-deposition of bottom sludge and re-inclusion of suspended matters during the vibration of dolphins and a possible failure and contamination of water during the operation of machinery and equipment in the river channel (e.g. fuel leakage).

The project will not change the width or profile of the river channel. The only interference in this regard may arise from required auxiliary dredging works, which are to provide an adequate depth in the icebreaker mooring area.

The planned project is located within Krzesiny Landscape Park and Natura 2000 areas: Krosno Oder Valley PLH080028 (habitat special protection area) and Middle Oder Valley PLB80004 (bird special protection area). The anticipated project impacts will be short and limited in space. Based on detailed analyses, the Investor has concluded that they will not have any significant influence on the aforesaid protection areas and will not impair their biodiversity.

In accordance with Article 16(32)(c) of the Water Law, the JCWP No. PLRW60002117999 is an area sensitive to eutrophication caused by municipal contaminants, and an area intended for the protection of habitats or species, as referred to in the Nature Conservation Act of 16 April 2004, where the maintenance or improvement of water condition is an important protection factor (Article 16(32)(d) of the Water Law).

Given that the works will be limited in space, and their impact on the JCWP as a whole will be short and minor, the presented documentation indicates that the project will not have an adverse effect on the possibility to achieve the environmental objectives for the said areas.

Although the planned project will be carried out in an immediate vicinity of a border between the Republic of Poland and the Federal Republic of Germany, given its scope and scale, according to the PIS, there is no risk of an adverse cross-border impact on the environment.

The issue of cumulative impacts was considered with a particular regard to Task 1B.3 of the POPDOW project that is the 'construction of mooring facilities', and Task 1B.2 that is the 'modernisation works at the border Oder river'. Considering the nature of the projects covering the construction of mooring places, which do not materially alter the physical characteristics of the course of water within the water body, the cumulative impacts were mostly analysed for the execution stage. The planned mooring places are arranged at large intervals, so no direct cumulative impacts are foreseen, which could be caused by the re-deposition of bottom sludge. The impacts due to the construction and use of mooring places are only local, so they will not prevent the achievement of the environmental objectives set for the water bodies covered by the project. The construction of mooring places will be coordinated with the modernisation works to be performed at the border Oder river, which are a separate project, which is currently under the procedure for issuing the environmental permit. Task 1B.2 will be carried out in stages.

According to the information provided by the Investor, the project assumes the following mitigation measures to minimise the adverse impact on the environment, including on the quality of water:

- the works interfering in the Oder river channel will be carried out beyond the spawning and spawn

incubation season, which lasts from 1 March to 30 June;

- the trees or bushes existing in the project area will not be cleared;
- during execution, there will be used only such raw materials and construction products which will not deteriorate the environmental condition (gravel, sand, prefabricated building materials). The construction materials to be used must have technical approvals and certificates admitting them for use in construction.

Given the requirements stipulated in the Water Framework Directive, the Investor (both at the execution and operation stages) should maintain a good condition/potential of water. Therefore, the actions taken by the Investor should ensure achievement of the environmental objectives referred to in Articles 56, 57, 59 and 61 of the Water Law.

In this particular project, we should indicate that, even if the environmental impact assessment is not required, it is reasonable for the environmental permit to include the detailed scope and conditions of the project in terms of its execution and possible environmental impact, which also covers the conditions and requirements set out herein.

Having analysed the submitted documents, and given the foregoing, I hereby conclude that the planned project does not require an environmental impact assessment. However, the project is subject to the conditions and requirements which must be contained in the environmental permit.

Having analysed the project information sheet enclosed with the application and considering the type, scale, location and nature of the project, which will be carried out using solutions that minimise the environmental impact, and based on the provisions of law, we may conclude that the project will have no adverse effect on the condition of ground water body (JCWPd) or surface water body (JCWP), or on the possibility to achieve the environmental objectives.

Having analysed the documents delivered by the Investor, and the opinions issued by the authorities referred to in Article 64(1)(1), (2) and (4) of the EIA Act, on 13 May 2019 the Mayor of Cybinka issued a decision No. RGN-IV.6220.05.2018, where he has stated that the project does not require an environmental impact assessment.

Since there are more than 20 parties to the proceedings, pursuant to Article 74(3) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws 2017, item 1405), Article 49 of the Code of Administrative Proceedings (consolidated text: Polish Journal of Laws 2017, item 1257, as amended) applies. – by the notice of 15 May 2019, ref.: RGN-IV.6220.05.2018, the Parties were notified that the administrative proceedings in the case had been concluded, and that within 14 days they may take a stand on the collected evidence and materials. No remarks or motions were submitted in that period.

Pursuant to Article 84(1) of the EIA Act, where no environmental impact assessment was conducted, the competent authority shall state in the environmental permit that the project does not require the environmental impact assessment.

In accordance with Article 84(2) of the EIA Act, the project characteristics are set out as Appendix 1 hereto.

Considering the entire proceedings and the application submitted by the Party, based on the cited regulations, it has been decided as hereinabove.

INSTRUCTION

The environmental permit binds the authorities which issue the decisions referred to in Article 72(1), in accordance with Article 86 of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact

assessments (consolidated text: Polish Journal of Laws 2017, item 1405, as amended).

The environmental permit shall be enclosed with the application for the permit referred to in Article 72(1), within the period defined in Article 72(3) and (4) of the EIA Act. The provisions governing the issue of environmental permit shall apply accordingly to amendments thereof.

This decision may be appealed against to the Self-government Appeals Court in Gorzów Wielkopolski, ul. Bolesława Chrobrego 31, through the Mayor of Cybinka, within 14 days from the date of delivery.

Pursuant to Article 127a of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws 2017, item 1257, as amended), during the time for submitting the appeal, a Party may waive the right to appeal against the public administration authority which issued the decision.

The decision shall become final and binding on the date the public administration authority receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.

Mayor of Cybinka

P.p. MAYOR
Kazimierz Knebel
acting as HEAD OF
DEPARTMENT

Appendix:

- 1) Project characteristics.

Recipients:

- 1) Applicant: Krystyna Araszkiwicz, Sweco Consulting Sp. z o.o. Szczecin
- 2) Investor: State Water Holding Polish Waters, Regional Water Management Board in Szczecin
- 3) *To files.*

Copy to:

- 1) Regional Director for Environmental Protection in Gorzów Wielkopolski
- 2) State District Sanitary Inspector
- 3) State Water Holding Polish Waters, Catchment Board in Zielona Góra

Case managed by: Grzegorz Smolarski.

Characteristics of the project titled:

‘Construction of mooring facilities at lower and the border Oder river and new waterway signage at km 548.4 of the Oder river’

1. Type, characteristics, scale and location of the project.

Task No. 1B.3/2, titled ‘The construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation’, covers the construction of icebreaker mooring facilities (having the form of dolphins located beyond the waterway boundary) in 8 independent locations at the section of the Oder river from the Nysa Łużycka to Szczecin, and the installation of new waterway signs. The task is carried out as part of the Odra-Vistula Flood Management Project (POPDOW), and aims at allowing safe and effective ice-breaking. This project information sheet concerns a part of Task 1B.3/2 that is the construction of mooring facilities at km 548.4 of the Oder river, in Cybinka commune (Słubice district, Lubuskie province), downstream of Rapice. The project assumes the construction of a mooring line of approx. 90 m outside the waterway. The plan includes dolphins to be spaced at 10 to 30 m. It also assumes a fixed jetty that will connect the dolphins with the bank. The works will be carried out on the waterside. No site back-up facilities are planned for the project. The project is likely to involve related dredging works (if deemed necessary) to ensure a depth adequate for icebreakers. The works should be performed based on the average water depth necessary to maintain transport parameters of 1.8 m, or on the river channel elevation. The dredging residues will be examined and then, based on laboratory test results, managed according to applicable regulations. Specific information on the quantity of necessary dredging works can be estimated while preparing the design documentation. The planned mooring places will be marked upstream and downstream of the facility with appropriate signs used at inland waterways. Specific locations of the signs will be adjusted to the signs already existing.

2. Anticipated quantity of necessary water, materials, raw materials, fuels and energy.

Construction stage

During execution, the project will require fuels for transport equipment, vessels, machines and construction equipment. An electric welding machine will be used, which is to be powered by a generator installed on a vessel, so energy will not have to be supplied from any other source. It will be necessary to obtain raw materials for the dolphins (such as concrete or sand), in the quantities specified in the following table. The vessels will have their own sanitary facilities.

Table 1: Anticipated quantity of water, materials, raw materials, fuels and energy necessary at the execution stage

No.	Consumption of materials and raw materials	Estimated quantity [Mg]
1	Water [m ³]	100
2	Fuels [m ³]	100
3	Stone [Mg]	7.5
4	Sand [m ³]	50
5	Concrete [m ³]	2
6	Steel [Mg]	385

Operation stage

At the operation stage, the project (i.e. the new mooring facility) will not require the use of any materials, raw materials, water, fuels or electricity, except the time of overhaul and maintenance works.

3. Environmental protection measures.

At the execution stage, the following organisational and environmental protection measures will be used:

- the selection of machines with a low emission of pollution and noise, which meet valid legal requirements concerning noise emission by equipment used outdoors;
- the use of only such equipment and vessels that are in good condition, and timely and adequate maintenance of construction machinery, which will prevent the leaks of fuels, oils or other operating fluids, and thus their penetration into soil or groundwater;
- new construction members and equipment will be transported mainly by water or on paved roads; in case of a leaking hazardous substance coming from the means of transport, sorbents will be used to eliminate the hazard;
- the machines and vehicles will not be overloaded, and as far as possible the engines will not operate at top speed;
- avoiding transports without load, limiting the time of idle operation of combustion engines, limiting the operating time of the equipment causing the highest noise levels;
- ensuring a proper organisation of civil and erection works – the civil and erection works will be performed during the day;
- the works contractor will store waste generated by the civil and erection works in a way to protect the environment against contamination. All types of waste generated will be collected and stored in a selective manner, which will facilitate their management by authorised entities. Proper arrangement of day-to-day waste management, proper organisation of site back-up facilities, and compliance with occupational safety rules will help eliminate a direct impact of waste on human life and health and on the environment;
- the works will be carried out on the waterside;
- the project will be subject to environmental supervision;
- the works interfering in the Oder river channel will be carried out beyond the spawning and spawn incubation season, which lasts from 1 March to 30 June; the works that interfere in the river channel will be carried out only within the planned icebreaker mooring locations;
- the works conducted to disturb the shore will be carried out between September and April, so during the lowest activity of reptiles and amphibians;
- due to the hatching of protected species near the project location, the works will be carried out

- in the non-breeding season, that is from October to March;
- if any rush is to be removed, this should be done prior to the breeding season;
- if any works are performed from the beginning of May till the middle of August (which is the animal reproduction season), the noise generated by mechanical equipment will be minimised by carrying out the works during the day only;
- the dolphins will not be illuminated;
- the trees or bushes existing in the project area will not be cleared;
- the contractor will only use such construction materials and raw materials (gravel, sand, prefabricated building materials and others) which will not deteriorate the environmental condition compared to the present status. The construction materials to be used must have technical approvals and certificates admitting them for use in construction.

The aforesaid measures will fully eliminate threats to the natural environment during construction, will not breach the applicable environmental protection norms, and will cause no significant adverse effects on the environment. As regards maintenance, the dolphins will be made of environmentally neutral materials, and their maintenance will not generate the emission of pollutants or energy to the environment. The new mooring places will help improve the safety of ice-breaking operations, and thus will reduce, for example, the risk of leakage of oil derivatives to surface water.

4. Types and anticipated quantity of substances or energy emitted to the environment with the use of environmental protection measures.

During execution, air pollution will mainly be emitted by the vessels, machines and equipment used for construction works. The pollutants will be emitted at a low height so, given their minor spread, the emission generated by transports and auxiliary works will be local and restricted in space, to exist only in the place of generation (construction site), and will have no significant impact on air quality. Furthermore, the works will be quite short. Exhaust emission will be minimised by using fully operational equipment and limiting its operation time to a required minimum. The execution stage will imply a short noise emission during temporary use of the machinery and equipment required to prepare the site and settle the dolphins. The emitted noise will be intermittent, and its intensity will vary at different stages of works, depending on their course and the use of specific machines and equipment. It should be indicated that the project location is not surrounded by any noise abatement areas. Given that the emission will be short and local, during execution the project will not exert a significant impact on the acoustic environment in the project location. During execution, domestic wastewater will be produced. The vessels working on the waterside will be supplied with their own sanitary facilities, and the wastewater collected in special tanks will be delivered to a wastewater treatment plant.

5. Risk of major accident or natural or construction disaster.

In light of the provisions of Regulation of the Minister of Development of 29 January 2016 on types and quantities of hazardous substances stored by a plant, which determine whether the plant should be classified as a lower-tier or upper-tier establishment (Polish Journal of Laws 2016, item 138), neither the actions planned at execution stage nor the resulting new and modernised adjusting facilities are classified as lower-tier or upper-tier establishments. Considering the nature the works planned, there is no risk of a major accident or construction disaster.

The new mooring places on the border Oder river, to be built during the project, will enable safe and effective breaking and removal of ice, which will allow for mitigating the risk of flooding caused by ice jams. Therefore, the project will help prevent natural disasters.

P.p. MAYOR Kazimierz Knebel acting as HEAD OF DEPARTMENT
